REMARKS

In view of the above amendment and the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated or made obvious under the provisions of 35 U.S.C. §§ 102 and 103. Thus, the Applicant believes that all of these claims are now in allowable form.

I. IN THE SPECIFICATION

The Examiner objected to the specification due to various informalities in the abstract of the disclosure. In response, the Applicant amends the abstract to conform to the requirements of MPEP §608.01(b). As such, the Applicant respectfully requests the objection be withdrawn.

II. IN THE CLAIMS

The Applicant herein amends claims 9, 14 and 17 for grammatical reasons. Specifically a redundant period was deleted in claims 9 and 17. In addition, claim 14 was corrected such that the numbering was correct. Specifically, the numeral (iii) that was repeated twice was corrected. The Applicant submits that no new matter was added.

III. REJECTION OF CLAIMS 1, 2, 7, 8, 13-16 AND 22 UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 7, 8, 13-16 and 22 in the Office Action under 35 U.S.C. § 102 as being anticipated Ho, et al. (U.S. Patent No. 7,020,150, issued on March 28, 2006, hereinafter "Ho"). Applicant respectfully traverses the rejection.

Ho teaches a system, device and method for traffic and subscriber service differentiation using multi-protocol label switching. Ho teaches "enhanced" MPLS devices supporting service tiers and "standard" MPLS devices that do not support service tiers. (See Ho, col. 5, ll. 53-58.) The enhanced MPLS devices separate packets into service tiers based on resource class represented by a color. (See Ho, col. 6, ll. 4-6.)

The Examiner's attention is directed to the fact that Ho fails to teach or suggest the novel concept of a method of configuring a packet-switched network comprising creating <u>a queue for packets carried inside the traffic engineering tunnel and wherein the queue created for packets carried inside the traffic engineering tunnel is given priority over other traffic</u>, as positively recited by the Applicant's independent claims 1, 8 and 14. Specifically, Applicant's independent claims 1, 8 and 14 recite:

1.   A method of configuring a packet-switched network comprising the steps of:

(i) receiving a request to establish a traffic engineering tunnel across the packet-switched network;

(ii) at a router traversed by the traffic engineering tunnel, <u>creating a queue for packets carried inside the traffic engineering tunnel</u>; and

(iii) reserving bandwidth for the queue in accordance with the request to establish the traffic engineering tunnel, <u>wherein the queue created for packets carried inside the traffic engineering tunnel is given priority over other traffic</u> at the router and the reserved bandwidth for the queue can only be used by packets carried inside the traffic engineering tunnel. (Emphasis added.)

8.   A method of routing packets in a packet-switched network comprising the steps of:

(i) receiving a packet at an incoming interface of a router;

(ii) determining whether the packet has a label identifying a traffic engineering tunnel, thereby identifying that the packet is being carried inside the traffic engineering tunnel;

(iii) where the packet is being carried inside the traffic engineering tunnel, sending the packet to <u>a queue associated with the label so that the packet in the queue receives higher priority over other traffic at the router</u> and receives a bandwidth reserved for the queue associated with the label identifying the traffic engineering tunnel. (Emphasis added.)

14.   A router comprising:

(i) a plurality of interfaces;

(ii) a first processing module that sorts packets received at an interface into those packets that are carried inside a traffic engineering tunnel and those packets that are not carried inside a traffic engineering tunnel;

(iii) <u>a first queue which receives from the first processing module only packets carried inside a traffic engineering tunnel</u>;

(iv) a second queue which receives from the first processing module packets that are not carried inside a traffic engineering tunnel; and

(v) a second processing module that receives packets from the first and second queues and <u>gives higher priority to packets received from the first queue</u>. (Emphasis added.)

In one embodiment, the Applicant's invention teaches a method of configuring a packet-switched network comprising creating <u>a queue for packets carried inside the traffic engineering tunnel and wherein the queue created for packets carried inside the traffic engineering tunnel is given priority over other traffic at the router</u>. Advantageously, the Applicant's invention allows the packet-switched network to prioritize tunnel traffic versus non-tunnel traffic.

In contrast, Ho fails to anticipate Applicant's invention because Ho fails to teach or to suggest a method of configuring a packet-switched network comprising creating <u>a queue for packets carried inside the traffic engineering tunnel and wherein the queue created for packets carried inside the traffic engineering tunnel is given priority over other traffic</u>, as positively claimed by Applicant's independent claims. Ho only teaches a plurality of <u>service tiers</u>. The Examiner then alleged that such service tiers are <u>traffic engineering (TE) tunnels</u>. It should be noted that a service tier only relates to a <u>level of service</u> and is not a <u>traffic engineering tunnel</u>.

Even if the Examiner's allegation is accepted, Ho still fails to teach the concept where <u>packets carried inside the traffic engineering tunnel is given priority over other traffic</u>. This is because since Ho teaches a plurality of service tiers for all traffic and if service tiers are TE tunnels, then effectively there are no <u>non-engineering tunnel traffic</u> as taught by Ho. Therefore, Ho fails to anticipate Applicant's independent claims 1, 8 and 14.

Moreover, dependent claims 2, 7, 13, 15-16 and 22 depend, either directly or indirectly, from independent claims 1, 8 and 14, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claims 2, 7, 13, 15-16 and 22 are also patentable and not anticipated by Ho. As such, the Applicant respectfully requests the rejection be withdrawn.

IV. REJECTION OF CLAIMS 3-6, 9-12 AND 17-21 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 3-6, 9-12 and 17-21 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Ho in view of Nomura (U.S. Patent

Application No. 6,973,504, issued on December 6, 2005, hereinafter referred to as "Nomura"). Applicant respectfully traverses the rejection.

The teachings of Ho are discussed above. Nomura teaches a method for allocating network aggregation bandwidth and a network system using the same. The method enables the decrease of required resources for the bandwidth reservation in an inter-site connection network used for communication between communication sites. (See Nomura, Abstract.)

The Examiner's attention is directed to the fact that Ho and Nomura (either singly or in any permissible combination) fail to teach or suggest a method of configuring a packet-switched network comprising creating <u>a queue for packets carried inside the traffic engineering tunnel and wherein the queue created for packets carried inside the traffic engineering tunnel is given priority over other traffic</u>, as positively claimed by the Applicant's independent claims 1, 8 and 14. (See *supra*.)

As discussed above, Ho is devoid of any teaching or suggestion of a method of configuring a packet-switched network comprising creating <u>a queue for packets carried inside the traffic engineering tunnel and wherein the queue created for packets carried inside the traffic engineering tunnel is given priority over other traffic</u>. This significant gap is <u>not</u> bridged by the teaching of Nomura. As such, the combination of Ho and Nomura fails to make obvious Applicant's independent claims 1, 8 and 14.

In addition, dependent claims 3-6, 9-12 and 17-21 depend from independent claims 1, 8 and 14, respectively, and recite additional limitations. As such, and for the exact same reason set forth above, the Applicant submits that claims 3-6, 9-12 and 17-21 are also patentable over Ho and Nomura and respectfully requests the rejection be withdrawn.

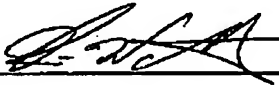PATENT

Atty. Dkt. No. ATT/2002-0165

Conclusion

Thus, the Applicant submits that all of these claims now fully satisfy the requirements of 35 U.S.C. §§ 102 and 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone <u>Mr. Kin-Wah Tong, Esq.</u> at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

February 12, 2007

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